

Attorney Docket No.: ISPH-0500
Inventors: Yu et al.
Serial No.: 09/705,587
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Please amend the claims as follows:

1. A method for detecting an oligonucleotide in a liquid sample, consisting of the steps of:

a) contacting a liquid sample with a probe complementary to an oligonucleotide so that the probe and an oligonucleotide present in the sample can form hybrid moieties in said sample, wherein said probe comprises a detectable marker and a binding moiety;

b) placing said sample in contact with a solid support to which a binding partner of said binding moiety is attached so that said hybrid moieties present in said sample and unhybridized probe will be attached to said solid support;

c) removing any oligonucleotide from said sample that has not formed a hybrid moiety;

d) contacting said sample with a single strand specific nuclease under conditions in which probe which is not hybridized to form hybrid moieties is degraded and thus is no longer attached to said solid support;

e) removing any unbound detectable marker from said sample;
and

f) detecting a label associated with said marker wherein the presence of said label indicates the presence of said hybrid moieties bound to said solid support wherein detection of said

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label at levels above the level characteristic of a liquid sample that was prepared as a blank sample to contain no oligonucleotide indicates the presence of said oligonucleotide in said liquid sample.

REMARKS

Claims 1-10 and 12 are pending in the instant Office Action. Claims 1-10 and 12 have been rejected. Claim 12 has been canceled. Claim 1 has been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of the amendments and the following remarks.

I. Rejection of Claims Under 35 U.S.C. 112, First Paragraph

Claims 1-10 and 12 have been rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure that is not enabling. The Examiner suggests that the claims lack critical or essential steps to practice the invention, including two wash steps, preparation of a sample prior to assay, and the possibility that the oligonucleotide of interest is not present in the sample. Applicants respectfully traverse this rejection.

With respect to the Examiner's comment that wash steps have been omitted and are critical to the performance of the present